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ABSTRACT

The historical development of the criteria used by the United States Commissioner of Education to recognize approval and accrediting agencies is discussed. The criteria have evolved from the simple, six-part 1948 edition to the draft of the new edition which encompasses 54 criteria. The proposed criteria, like the 1948 version and unlike those of 1952, 1969, and 1974, spell out specific requirements which accrediting agencies must look for in institutional or program accreditation. Over the years the number and types of accredited institutions and programs have greatly increased. Five major concerns of the public have dominated the last decade in accreditation: (1) accountability of the process; (2) consumer protection as evidenced by the inclusion of the criterion on ethical practices regarding recruitment, admission, and tuition refund policies; (3) responsiveness of the process to national and state needs and objectives; (4) flexibility of the process to accommodate new forms of educational enterprises; and (5) reexamination of the validity and reliability of the accrediting standards and techniques used in order to avoid inadequately supported, overly subjective, or biased decisions. (RL)

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EVALUATION OF CRITERIA FOR RECOGNITION OF ACCREDITING AND STATE APPROVAL AGENCIES

PART II

HISTORICAL DEVELOPMENT OF THE CRITERIA

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EDUCATIONAL TESTING SERVICE
PRINCETON, NEW JERSEY
BERKELEY, CALIFORNIA

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PART II

HISTORICAL DEVELOPMENT OF THE CRITERIA

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July 1980

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Historical Background up to 1952

One of the earliest functions of the Bureau of Education--the predecessor of the U.S. Office of Education and of the current Department of Education--was to enumerate the institutions of higher education. Yet that apparently simple function was complicated by uncertainty as to which of the institutions that called themselves colleges offered instruction at a level that entitled them to that designation. Institutions listed between 1870 and 1916 by the Bureau of Education acquired their place on the list through little more than an assertion that the institution operated at the collegiate level.[1]

By 1910, the list included 602 "Universities, Colleges and Technical Schools" and was an important indicator of academic respectability. But because of their growing numbers and diversity, colleges and universities could no longer be listed simply on the basis of their self-definition. A new definition was framed, which institutions were required to meet in order to be included in the list:

> An institution, in order to warrant its inclusion, must be authorized to give degrees; must have definite standards of admission; must give at least two years' work of standard college grade, and must have at least twenty students in regular college status.[2]

Applying these criteria trimmed the number of listed institutions by about half.

For some years the member institutions of the Association of of American Universities (AAU) had been using the list to screen applicants for graduate study by requiring undergraduate preparation in a listed institution. In 1911, at the request of the AAU, the Bureau of Education classified the undergraduate institutions on its list according to the performance of their graduates in graduate school. Before the list was published, however, it was vehemently challenged. Although the classification was based on students' actual performance, the action was seen by some as arbitrary: "an outrage and an infamy to designate institutions whose sons had reflected honor on the nation" as being second, third, or fourth rate.[3] Opposition to the publication of the list gained political momentum, eventually reaching Congress, and President Taft subsequently requested the Commissioner of Education to withdraw and suspend publication of the annual list of colleges "grouped by quality."

After President Wilson in 1914 upheld his predecessor's order, publication of the list was shifted to the private sector. The AAU published its first list of "colleges approved for the pregraduate training of scholars" in that year, using the Bureau of Education's criteria and classifying institutions according to the success of their graduates in graduate school. Ironically, the Bureau of Education used the AAU list to provide information to the U.S. Military Academy for exemption from the entrance

examination at West Point. The list at that time had 350 accredited institutions.[4]

In the late 19th and early 20th centuries, regional and professional accrediting associations had set up their own requirements and standards for the operation of colleges and professional schools. In 1917, the federal government once again began listing institutions of higher education in the form of a directory of Accredited Higher Institutions published by the U.S. Bureau of Education. The decisions as to which agencies' lists to include in the directory were still informal. At the same time the number of accrediting agencies was on the increase, especially in the professional category (from 5 in 1928 to 14 in 1934 and 22 in 1944), posing more problems of choice for the Bureau.

During this period, too, state licensing for professional practice was evolving hand in hand with the growth of professional accreditation. Thus the accrediting agencies influenced the supply of professionals in their fields and, in turn, their status and remuneration. The growth in numbers of professional agencies eventually produced friction between institutional presidents and deans of professional schools over educational standards and the costs of accrediting. This conflict led to the joint publication in 1948 by the Bureau of Education and the American Council on Education (ACE) of the following criteria for agencies to fulfill in order for institutions accredited by them to be listed in the Accredited Higher Institutions directory:*

*AAU Published their last list in 1947.

CRITERIA FOR RECOGNITION OF ACCREDITING AGENCIES

by the Office of Education

(Prepared in consultation with the Committee on Accrediting Procedures of the American Council on Education)

A. The accrediting agency should have published criteria for recognizing institutions and a published list of recognized institutions.

B. Among other criteria for recognition of institutions, the agency should include:

1. A student body beyond twelfth-grade level;

2. A faculty with advanced training sufficient for a post-secondary school program;

3. Financial resources sufficient to provide a stable basis for operation;

4. Institution legally authorized within its own state to provide a program of higher education;

5. Institution's program shall be in operation for a long enough time to permit a reasonably critical judgment of its program;

6. The minimum length of a program for recognition shall be at least 2 academic years beyond high school.

C. Admission to the accredited list should be based on a visit and a report concerning the institution by competent examiners.

D. The agency should have an adequate and systematic means of checking up on those institutions it has recognized, to see that they continue to maintain programs of satisfactory quality.

E. To be recognized an agency should have been in operation for at least 3 years since the time of its first published list of institutions.

F. In principle the Office of Education should recognize only one accrediting agency in any given professional field.[5]

These criteria brought together the standards developed by the American Council on Education for the recognition of "colleges" and the procedures and policies developed by the Bureau of Education for institutions in the Directory. They required agencies to publish their criteria, conduct on-site visits, carry out a continuing review of institutions or programs, and have at least three years' experience. And they permitted no more than one agency in any professional field. This last requirement has since been softened to require only that the agency serve clearly identified needs. A more substantial change, though, has been the abandonment of any specified criteria an agency must set for accreditation, such as the list appearing under Criterion B above.

The cost of professional accreditation to institutions continued to increase with the still increasing number of professional accrediting agencies despite Criterion F. As early as 1938 efforts by university presidents had been under way to reduce the influence and cost of professional accrediting in their institutions. These efforts eventually led to the formation of the National Commission on Accrediting (NCA) in 1949. Its aim was to weaken professional or program accrediting by bringing it under institutional accreditation. Reducing the number of professional accrediting agencies was also seen by the presidents as a means of simplifying the cumbersome accreditation process.

In the meantime, colleges and professional schools had begun

to recruit their students nationally, and efforts by the universities and professional accrediting agencies to develop national standards were continuing. These efforts brought about closer cooperation and realignment of standards between the six regional accrediting agencies and the birth of their coordinating agency, the National Commission of Regional Accrediting Agencies (later renamed The Federation of Regional Accrediting Commissions of Higher Education--FRACHE), in the same year the NCA was formed.

Developments from 1952 to 1969

Despite growth and refinement in the accreditation process, implementation of the Servicemen's Readjustment Act of 1944 (the GI Bill) had indicated that existing procedures to identify institutions eligible for federal funds did not adequately protect against educational fraud. Thus, the passage in 1952 of Public Law 82-550, which extended the GI Bill to Korean veterans, gave the Commissioner of Education the mandate to "publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by an educational establishment," to prevent the expenditure of government funds for dubious educational benefits. The Commissioner, after consulting with an advisory group of educators, published the 1952 criteria for determining which agencies to list. In essence, the criteria were borrowed from the NCA criteria of 1949 and required that the agency:

1. Be national or regional in its scope of operations;
2. Serve a definite need for accreditation in its field;
3. Exercise independent judgment and guard against conflict of interest;
4. Publish its standards and procedures;
5. Have adequate organization and procedures to enable it to function professionally in:
   (a) securing information from institutions and programs,
   (b) using qualified personnel for on-site visits,
   (c) re-evaluating institutions or programs at reasonable intervals,
   (d) ensuring that it has adequate finances for all its operations;
6. Accredit only institutions or programs that meet its standards;
7. Have had adequate experience in accrediting;
8. Have gained general acceptance of its operations; and
9. Charge no more than reasonable fees for its accrediting services.

These criteria encompassed five major aspects of accrediting agencies that were to be repeated and expanded in later versions: the agency's scope and organization; accrediting procedures or the process through which accreditation decisions are reached; evaluative procedures or the processes through which evaluative information is gathered; the formulation and implementation of standards; and integrity. Since the Commissioner's advisory group was drawn mainly from the NCA, its criteria, rather than the joint Bureau of Education-ACE publication of 1948, were the primary source of the 1952 criteria. The specification of standards

agencies should include was not part of the new criteria, and issues of integrity--avoiding conflict of interest and requiring that published standards be met--were added.

The passage of PL 82-550 clearly established the Commissioner's control over the eligibility of institutions and programs for much of the available federal funds through the recognition and listing of accrediting agencies and associations. Concern about the proliferation of "diploma mills" and "fly-by-night" programs out to get the veteran's dollar led to the 1952 criteria, which improved on those of 1948 by adding considerations of the geographical scope of an agency, its organizational effectiveness and financial stability, and its integrity. In addition, each accrediting agency was now required to have gained acceptance of its criteria, methods of evaluation, and decisions by educational institutions, practitioners, licensing bodies, and employers throughout the United States.

These new criteria, unlike those of 1948, which stated that "only one accrediting agency in any given professional field" should be recognized, limited the numbers of agencies by requiring each agency to show that "it serves a definite need for accreditation in the field in which it operates." Further, unlike Criterion B of 1948, which specified some of the standards agencies must set, the 1952 version required only that they limit accreditation to institutions which are found upon examination to meet specific (pre-established) standards."

The 1952 criteria were essentially intended for (a) regional accrediting associations, which dealt with institutions as a whole, and (b) national professional accrediting commissions or associations, which dealt with either professional or specialized colleges (business, law, medicine, bible, etc.) or specialized programs in colleges (music, pharmacy, forestry, chemistry, etc.). These two groups of accrediting agencies were themselves only concerned with collegiate education in nonprofit institutions. Federal eligibility for funds was thus limited, with a few exceptions, to institutions or programs accredited by agencies of these two types.

Against this background, Congress passed ten education-related acts in the next sixteen years. Among these was the National Defense Education Act of 1958, which defined "eligible institution of higher education" for the purposes of the Act as a public or nonprofit, state-authorized institution, accredited by a nationally recognized agency, and offering only postsecondary training leading to the baccalaureate or higher degree or a two-year program whose credits would be acceptable for such a degree. The requirements for participation in the NDEA program conveyed congressional misgivings concerning profit-making institutions, even though the program was aimed at accelerating technological training in all collegiate institutions.

Between 1958 and 1968, both nonprofit and profit-making sectors of education were experiencing rapid growth, diversification

and specialization. To extend the opportunity for federal aid administered by the Commissioner of Education to more students, including those in proprietary schools, the 1965 National Vocational Student Loan Act included profit-making educational institutions among those eligible to receive student loan funds. This further opened the door to a greater variety of programs in non-collegiate institutions and showed the necessity for extending eligibility for federal funds to new sectors of education, in addition to those that qualified by virtue of being accredited by the already recognized regional and professional accrediting agencies.

The Health Professions Acts of 1963, 1966 and 1968, as well as the Nurse Training Act of 1964, highlighted the need for revision of the 1952 criteria in order to include a wider variety of accrediting agencies, such as those which accredited nondegree programs. The Nurse Training Act, for example, provided funds for three types of programs of education in professional nursing--baccalaureate, associate degree and diploma. Consequently, that Act authorized the Commissioner to recognize state boards of nursing that he considered reliable authorities as to the quality of nursing training offered by schools, colleges, and hospitals in their respective states. The Commissioner was also empowered to accredit schools of nursing directly in the absence of an appropriate accrediting agency. (This power was revoked in the enactment of the 1968 Health Manpower Act.)

In comparison with the '50's the decade of the '60's was

marked by accelerated federal funding of educational programs, as indicated by the Congressional passage of over ten education-related Acts. Since accreditation was an important consideration in eligibility for federal funds, one result was a corresponding increase in accreditation activities, particularly in specialized fields. In 1966 there were 29 specialized agencies; in 1967 there were 32. And in 1968 twelve initial applications for recognition were reviewed by the Commissioner's Advisory Committee on Accreditation and Institutional Eligibility. The large sums of public funds and numbers of students involved in this growth heightened Congressional as well as public interest in the accreditation process.

The scope of the federally funded programs was such that not all mandated programs were eligible for funds through accreditation by a recognized accrediting agency. Thus, to allow for those new programs or institutions that were otherwise eligible for funding but not accredited, eligibility was granted on their assurance that they would achieve accredited status within a given period of time. This requirement was in a way the harbinger of a later criterion: "If an agency has developed a preaccreditation status, it shall have adequate procedures and requirements for the award of such status comparable to those employed for the award of accredited status (Criterion 8 of 1969)." Although alternative requirements for eligibility for funds were available, the "reasonable assurance" option was the only one open to the proprietary sector of education.

The general effect of Congressional Acts between 1958 and 1968 was to apply the Commissioner's 1952 mandate, with modifications, to suit each newly legislated federal program. The State Technical Services Act of 1965, for example, which was intended to widen the dissemination of science and technology, required the Commissioner to "publish a list of institutions he (found) qualified after prior evaluation by an advisory committee whose competence he had already determined." The Vocational Student Loan Insurance Act of the same year emphasized that the Commissioner's advisory committee "shall prescribe the standards of content, scope, and quality which must be met by (the) schools in order for loans to students attending them to be insurable." The optional recognition and prescription of institutional standards by the Commissioner were to be used only where no listed accrediting agency existed.

Formation of the Accreditation Staff

The increased number of programs, and problems related to their accreditation for eligibility purposes, led the Commissioner of Education to create a small Accrediting Review Committee in 1965.[6] This committee helped develop procedures to administer the 1952 criteria, covering such aspects as:

- tightening the "three-letter rule," which permitted unaccredited institutions to become eligible for federal funds by submitting letters indicating acceptance of their academic credits by three accredited institutions, to require the accredited institutions to already have accepted the credits;

- provisional recognition of "young but promising" accredited agencies;
- periodic re-evaluation of recognized accrediting agencies;
- the mechanics of review of applications for recognition of agencies.

The diversity and extent of federal programs and institutions involved in the accreditation and eligibility process prompted the Office of Education in 1967 to ask a number of questions:

1. Did the 1952 criteria cover all contingencies raised by legislation enacted subsequent to that date?
2. Did the procedures currently used to apply the criteria effectively cover all problems raised in current legislation?
3. Had the criteria or procedures used proven effective in all instances?
4. Had the "three-letter rule" been used without abuse?
5. Did the criteria and procedures in use embody adequate appeal procedures, and did they cover the problems of accreditation and institutional approval outside the field of higher education?
6. Should a time limit be set to the "reasonable assurance" provision?
7. Was there need for a "backslide" provision in the event that an accrediting agency no longer met the Commissioner's criteria?
8. Were Office of Education procedures adequate where competitive accrediting agencies existed?[7]

Partly in response to these questions, by 1968 the small ad hoc Accrediting Review Committee had evolved into the Commissioner's Advisory Committee on Accreditation and Institutional

Eligibility and had acquired formal status. The work of the Committee, brought about by the passage of Public Laws 82-550, 91-230 and 92-463, required the formation of the Accreditation and Institutional Eligibility Staff (AIES), which was drawn from the Bureau of Higher Education, from other governmental units, and from outside the federal government.

By June 1968 the first Advisory Committee on Accreditation and Institutional Eligibility was functioning, drawing its membership from the accrediting community, higher education, state governments, and vocational as well as professional fields. Among its first tasks was the development of a series of policy positions under which the AIES Office operated.

This reorganization was causing great concern in voluntary accrediting circles, where the Office of Education, and indeed the federal government, was seen to be moving too far into areas best left to nongovernmental agencies. A statement by the Executive Director of NCA to the Undersecretary of HEW described the accrediting agencies' view that:

> Accreditation, as a form of guidance for control of higher education in the United States, has been developed primarily as a non-governmental function. It is companion to but not distinct from the governmental function of licensure or certification of individuals. These two functions--accreditation of institutions or of specific programs of study and licensure of individuals--provide a balance to each other in which non-governmental and governmental agencies assume their respective and complementary functions. If government in the United States were to dominate both of these functions, the effective balance among government, education, and the professions, which has been developed during the present century, would be undermined and destroyed.[8]

Concern by the accrediting agencies persisted, and three years later the Commissioner of Education deemed it necessary to reiterate OE's good intentions by issuing the following public statement:

> The Office of Education is cognizant of the invaluable contribution which the voluntary accrediting associations have made to the development of educational quality in the Nation. It is the policy of the Office of Education generally to support and encourage the various recognized voluntary accrediting associations in their respective activities, and to endorse their role as the primary agents in the development and maintenance of educational standards in the United States. The Office also supports and encourages the National Commission on Accrediting in its role as a national coordinator and spokesman for voluntary accreditation.[9]

Approval of Nursing Programs

Interest in accreditation and eligibility for federal funds was not limited to the accrediting agencies; the states were taking an increasing interest in approving or accrediting institutions. Some states argued that their approval of an institution should constitute accreditation for the purpose of eligibility for federal funds regardless of the institution's accreditation status with the regional accrediting associations. The failure to accept state approval for eligibility purposes was a major obstacle in the implementation of the Nurse Training Act of 1964, which required that all agencies accrediting collegiate, associate, and diploma nursing programs be recognized by the Commissioner if those programs were to receive federal funds. A large number of nursing

programs were prebaccalaureate and not accredited by any of the agencies already recognized by the Commissioner of Education. The need of these programs for an appropriate path to eligibility raised further questions. Did the state have an effective and acceptable role in the accrediting and approval process under the prevailing and applicable legislation? If not, could it or should it be given such a role by either procedural changes in the Office of Education or amendments to current legislation?

To alleviate the problems of eligibility for prebaccalaureate nursing programs, particularly those offered in junior colleges, the Senate committee advised the Undersecretary of Health, Education and Welfare to meet with "interested parties from the profession and the voluntary agencies" in order to resolve the accreditation issue. As a result of consultation with these parties the OE decided to recognize the National League for Nursing (NLN) as the national accrediting agency for prebaccalaureate nursing programs. The NLN had already been recognized for baccalaureate programs. This recognition had a proviso that should the Commissioner find NLN unable to handle the volume of applicants, or any other unacceptable disadvantage in so designating the agency, he should take appropriate action, either designating additional agencies or accrediting programs directly.

This action did not gain the support of the American Association of Junior Colleges. They felt that state approval of a

junior college, in addition to its general accreditation by one of the six regional accrediting agencies, provided adequate evidence of the quality required of an institution and of its programs to merit federal benefits. The Association further felt that separate program accreditation would require the institutions to deal with too many specialized accrediting agencies, especially in vocational training programs, thus hampering state-wide planning, discouraging innovation, and giving the power to dispense federal funds to these special agencies. Out of this belief, the Florida State junior colleges system in 1964 refused to recognize NLN by barring nursing programs from payment of accreditation dues. Junior colleges in general were also complaining about the "excessive" costs of obtaining NLN accreditation--a situation that raised further doubts as to the wisdom of the Commissioner's recognition of the agency as the only accrediting body for nursing programs.

To placate (a) the voluntary accrediting agencies' fears of the federal government taking over accreditation; (b) the states' desire to have their share in allocation of funds earmarked for federal programs in nursing training; and (c) the public's desire for quality training, Congress took a conciliatory position in enacting the Health Manpower Act of 1968. It revoked the Commissioner's power to accredit programs directly. Instead, the Commissioner was now

> required to publish a list of nationally recognized accrediting agencies, and State agencies (emphasis added)

> which he determines to be reliable authority as to the quality of training offered. (It is expected) that this list will include the National League for Nursing, the Joint Commission on the Accreditation of Hospitals and the appropriate regional educational agencies that are nationally recognized as accreditation authorities.[10]

This mandate led to the formulation of separate criteria for recognition of state agencies for approval of nurse education. An AIES panel developed the initial criteria in consultation with the U.S. Public Health Service, several state boards of nurse examiners, the American Nurses Association and the Council of State Boards of Nursing. The criteria resulting from this combined effort were published in the Federal Register on January 16, 1969 and are still used to determine which state agencies are reliable authorities as to the quality of training offered by schools and programs for diplomas and for associate, baccalaureate, and graduate degrees in nursing.

The four criteria, with elaborations, require that a state approval agency

- Be legally authorized to operate within the state,
- Publish its standards and list of institutions it has accredited,
- Have the organization and procedures to operate professionally, and
- Have written procedures for determining the different stages of accreditation in which its applicant institutions might be placed.

The 1969 Criteria for Recognition of State Agencies for Approval of Nurse Education reflected concerns for the proliferation of accrediting agencies and for the possible deterioration of the quality of training in nursing programs. For example, the first criterion indirectly implied that only one accrediting agency would operate within a state since it required the agency to be both statewide in scope and legally authorized to accredit schools of nursing. It was unlikely that a state would authorize two competing agencies in the same professional field. Another area of concern, according to Orlans et al[11], was the proliferation of nursing programs. While some felt more training programs were needed to meet national requirements, others believed the expanded training would produce inadequately prepared nurses. Criterion 3, unlike the national criteria of 1952, stated specific kinds of information institutions or programs were required to submit in order to qualify for accreditation, such as policies for selection, promotion and graduation of students, and the performance of its students on state board examinations for the past five years. Finally, each approved school was required to furnish, at least every two years, a copy of its audited fiscal report and its current catalog to the approval agency.

The 1969 Criteria for National Agencies

At the same time the nursing criteria were being formulated, the Commissioner's Advisory Committee on Accreditation and

Institutional Eligibility was reviewing the 1952 Criteria for Nationally Recognized Accrediting Agencies and Associations to bring them more into line with the need for accreditation of the various programs mandated by Congress, and to accommodate the new types of institutions and programs that could now apply for federal eligibility. As indicated in a memorandum from the AIES Director to the Commissioner, the Office of Education was "concerned about minimizing the Commissioner's legal vulnerability and also safeguarding the right of legitimate accrediting groups to be recognized."[12] Thus the preamble of the 1969 national criteria simply declared that the Commissioner of Education "will recognize any and all agencies only (emphasis added) for the geographic area(s) and program field(s) specifically designated in each case." In so stating the Office of Education re-emphasized the importance of an agency's showing that it served "a definite need for accreditation in the field in which it operates" and thus indirectly reduced competition among and subsequent proliferation of accrediting agencies.

Since some of the members of the Commissioner's Advisory Committee came directly from the NCA, its "Code of Good Practice in Accreditation in Higher Education" and "Criteria for Recognized Accrediting Organizations" are evident in the 1969 Criteria for Nationally Recognized Accrediting Agencies and Associations, which were published in the Federal Register on January 16, 1969.

Although the new criteria were built upon the base established

in 1952, a new major area was introduced. Accrediting agencies were now required to accord due process to applicants for accreditation, including:

- visiting an institution or program only with the specific authorization of its chief executive officer;
- providing the chief executive officer with the visiting team's report as well as an opportunity to comment on it before it is evaluated;
- evaluating the team's report in the presence of at least one team member; and
- providing institutions or programs with regular means for appealing to the agency's final authority.

In the area of scope and organization, each accrediting agency was now required to demonstrate its solvency by submitting audited financial statements. In the area of accrediting procedures the agency was required to have written definitions of the various statuses--for example, probationary, preaccreditation and full accreditation--and to have its preaccreditation standards related to those for accreditation. In addition, regular review of the standards for evaluating institutions or programs was now mandatory.

With respect to evaluative procedures, each accrediting agency was required to show its ability to provide consultation for institutional self-study, as well as with faculty, administrative staff and students during the team visit. The requirements relating to standards were rewritten to emphasize the need for data

on qualitative aspects of the applicant institution or program, and the list of areas to be examined by the on-site team was replaced by requiring the accrediting agency to publish its criteria. Further, the 1969 criteria required each accrediting agency to demonstrate capability and willingness to enforce ethical practices in the institutions or programs it accredits.

In addition to these new requirements, and in contrast to the 1952 version, which set forth no policy whatsoever with respect to the recognition of only one agency in a given area or field, the revised criteria, once again, emphasized the concern about proliferation of accrediting agencies. An addendum stated, "it was unlikely that more than one association or agency will qualify for recognition (a) in a defined geographical area of jurisdiction, or (b) in a defined field of program specialization within post-secondary or collegiate education." This was in keeping with the NCA's initial objective of minimizing institutional disruption due to accreditation evaluations, as well as with the September 1968 Advisory Committee's recommendation to the Commissioner that:

> In those fields or areas where jurisdictional disputes do exist because of competing accrediting associations, the Commissioner shall ordinarily refrain from recognizing any of the associations involved until or unless the jurisdictional disputes are resolved by the associations themselves. In cases where the Commissioner determines there to be justification for recognizing more than one accrediting agency in a given field for a limited period of time, he shall do so. If a need for additional accrediting opportunities appears to exist in a given area or field, it shall be established policy for the

> Commissioner to urge recognized accrediting agencies to broaden the inclusiveness and comprehensiveness of their coverage, thereby alleviating the pressures which produce competing accrediting associations.[13]

The revised criteria reflected the changes brought about in federal funding laws by the numerous Congressional Acts, and by the new types of institutions that were seeking to participate in federal programs, in adding a new section on due process to be accorded to applicants for accreditation. They also emphasized changing public expectations of accrediting agencies, for example, the need to enforce ethical practices. The "art" of accreditation had changed since 1952 as indicated by the need for accrediting agencies to have more definite accrediting and evaluative procedures. The public and political climate was such that accrediting agencies were expected to show fairness and impartiality in their role as private agencies performing a public duty.

The 1970s

Publication of the Criteria for State Agencies for Approval of Nurse Education and the revision of the 1952 Criteria for Nationally Recognized Accrediting Agencies and Associations, in 1969, did not solve all problems in accreditation and eligibility. In fact, as these criteria were being published the wind of change was gaining momentum. The increasing importance of accreditation in the preceding decade had brought the recognition and eligibility

process greater attention from the public and the Congress. With the allocation of significant amounts of public funds to students and to institutions, and with eligibility for funding depending largely on accrediting, accreditation carried with it the responsibility of public trust. This in turn brought the process under closer public interest and scrutiny.

Up to this point, accreditation for profit-making vocational schools had remained largely neglected by the regional associations. Even though the 1965 National Vocational Student Loan Act had provided for the eligibility of profit-making institutions through accreditation, the regional accrediting associations remained reluctant to incorporate this constituency into their scope of operation. Initially, the policy of the Federation of Regional Accrediting Commissions of Higher Education (FRACHE) excluded "for-profit or proprietary schools or programs" from accreditation. This policy remained in force until August 1973, when FRACHE finally received assurance from the Internal Revenue Service that by accrediting proprietary schools the regional associations would not lose their tax-exempt status. Nevertheless, accreditation of proprietary schools and programs continued to lag, despite the fact that the first two accrediting agencies in this area (Accrediting Commission for Business Schools and National Home Study Council) had been recognized by the Commissioner of Education in 1956 and 1959.

The plight of the proprietary sector of education was brought to public attention by the case of Marjorie Webster Junior College vs. the Middle States Association of Colleges and Secondary Schools in February 1969, raising several important issues:

a. Was the profit motive acceptable in higher education?

b. Was higher education a trade and was regional accreditation a monopoly restraining it?

c. What "public responsibility" did private accrediting agencies hold? Did they serve quasi-public functions?[14]

Critics of accreditation picked on this and other cases, e.g., Parsons College vs. the North Central Association of Colleges and Schools (1967), to criticize the regional associations for inability to cope with change, and accused them not only of placing self-interest before public welfare, but also of operating in secrecy. The Newman Report[15] fired another volley in this battle. Prepared under commission by the Secretary of HEW, it accused the accrediting agencies of being monopolies stifling innovation. In addition, the report asserted, these agencies neglected fiscal accountability in their standards and took little interest in having public representation on their boards.

The accrediting agencies were themselves concerned about these challenges. They had been conducting their own studies aimed at improving the process, and between 1970 and 1972 a "comprehensive reexamination of the field of accrediting"[16] was provided by:

- The Puffer study, sponsored by FRACHE, which looked into ways of standardizing regional accrediting procedures,[17]
- the Ward study, sponsored by the Southern Regional Association, which dealt with problems of occupational accreditation,[18]
- the AVA Lane Ash project, on accreditation of vocational technical programs,[19] and
- the Selden report, collectively sponsored by NCA, American Medical Association and the Association of Schools of Allied Health, which dealt with allied health accreditation.[20]

Besides other recommendations, these studies collectively pointed out that accrediting procedures and standards emphasized inputs to educational programs while neglecting outputs, and the meaning and measurement of quality in education varied with different agencies. In essence, all was not well in accreditation. As noted by Harold Seidman,[21] it was essential that the accrediting agencies be so structured and administered that:

- governing bodies are broadly representative of community interests,
- access to decision-makers is not limited to those representing particular professional or economic interests,
- adequate safeguards are provided against "conflicts of interest,"
- proceedings are conducted openly with all affected institutions and individuals having a right to be heard,
- the right of the public "to know" is recognized and there is full public disclosure of policies and decisions,

- provision is made for adequate public notice of proposed standards and interested organizations and individuals afforded an effective opportunity to express their views before a final decision is taken,

- actions and results are subject to independent review and validation.

These comments stressed the right of the public to be involved in the decisions of accrediting agencies, the necessity for the agencies to be more open in their activities, and to perform their accrediting duties with integrity --without conflict of interest, and with autonomy in their deliberations.

Other forces too were shaping the recognition criteria to be published in 1974. In 1964 Congress had passed the Civil Rights Act. Although the bill did not directly bear on accreditation, its impact was to be felt. The 1969 criteria referred to discrimination only by requiring accrediting agencies to demonstrate their capability and willingness to enforce ethical practices among the institutions or programs they accredited. Soon the Women's Equity Action League (WEAL) was to charge the American Medical Association's Liaison Committee on Medical Education with discriminatory practices in admissions to medical schools. WEAL's action and recommendations prompted the Acting Commissioner of Education, in August 1971, to inform all recognized agencies that:

> The Advisory Committee has taken the position that discrimination of various kinds practiced by educational institutions adversely affects the quality of that

> education, and, therefore, the Committee has asked me to inform you, in my capacity of determining those agencies which are reliable authority as to the quality of training offered, of its concern regarding discrimination by age, sex, race, creed, or national origin, as it bears upon this determination.
>
> Furthermore, in light of the Office of Education's policy that accrediting organizations must be sensitive of and responsive to the public interest, the Advisory Committee has requested that I encourage recognized accrediting agencies to take firm and positive steps in order to ensure that unacceptable discrimination or arbitrary exclusion is not practiced by accredited schools or programs.
>
> I am in agreement with the Advisory Committee on this matter and believe that, in the interest of serving the public, all forms of discrimination must be eliminated from every sector of American education.[22]

This was but one of the issues which the Commmissioner's Advisory Committee tackled. Consumer interests and public dissatisfaction with acreditation were issues to be reckoned with. By this time the Commissioner's list of recognized accrediting agencies was increasingly important because of the numerous federally funded programs that needed to qualify for eligibility. The public felt underrepresented in decisions regarding the disbursement of funds. It was also unhappy about continued educational fraud, particularly when it occurred in institutions which were already accredited. Thus the Federal Interagency Committee on Education (FICE) established a task force (later to be a standing subcommittee) on Educational Consumer Protection to look into issues in this area. This task force included members from the Federal Trade Commission (FTC), the

Office of Education, and several other federal agencies.

Experience with the 1969 criteria had indicated a need for further revision. By 1972 the Commissioner's list had grown, in keeping with the increase in the number of accrediting agencies, from the original 28 to 47. This had increased the difficulty of evaluating diverse agencies under one set of criteria. At issue was the fact that despite the broad similarities between the agencies and associations, many had peculiarities associated with their histories, their constituencies, and their purposes. For example, many accrediting bodies associated with the American Medical Association were all under the aegis of its Council on Medical Education, and could not therefore be entirely autonomous accrediting agencies. Additionally, the same criteria were being used to evaluate associations or agencies accrediting vocational or occupational nondegree programs as well as those leading to academic degrees.

In response to these developments, the regional associations were trying to set up affiliated but autonomous accrediting commissions to deal with vocational training programs. The result was nonuniform standards; each regional association seemed to have its own view as to what was to be expected in vocational training. Efforts by FRACHE and NCA to coordinate regional accreditation of vocational-technical education met with little success. For example, because in 1973 the North Central Association had

accredited proportionately fewer community colleges than had the other regional associations, state authorities in Minnesota felt that more such institutions within the State should have been accredited. States' dissatisfaction with the performance of regional associations was characteristic; as in the nursing profession, the states felt they could accredit vocational schools for the purpose of eligibility for federal funds.

The dissatisfaction in Minnesota resulted in the "Mondale Amendment" of 1972 to the Higher Education Act of 1965, which gave the Commissioner of Education authority "to publish a list of State agencies which he determines to be reliable authorities as to the quality of public postsecondary vocational education in their respective states...." This action of taking away a "client" from the regional associations not only was contrary to their expectations, but also resulted in their apprehension that state approval of vocational technical education, and subsequent broadening of participating programs would lower the quality of education.

In 1971, new members of the Commissioner's 1968 Advisory Committee reflected some of the changes brought about by the welter of concerns in accreditation. The Committee had representatives from higher education (6), professional and vocational associations (2), students (2), state government (1) and lay public (1). Notably, the two representatives of the accrediting

community on the first committee were not replaced. The Committee's determination to deal with issues related to racial and sexual discrimination is reflected in the already mentioned Acting Commissioner's letter to all accrediting agencies in August 1971.

By this stage, the seeming disarray in accrediting vocational programs indicated an urgent need for revision of the criteria for recognition of accrediting agencies. It was also obvious to the AIE staff that the revised criteria should include provision for public representation on the agencies' decision and policy-making bodies and should be an improved instrument for analytical review of the accrediting agencies. This, it was felt, would in turn provide the agencies with a better chart whereby they would improve themselves.

Revision of the 1969 National Criteria

The actual revision of the 1969 criteria started in June 1971. The first draft of the Criteria for Nationally Recognized Accrediting Agencies and Associations, prepared by the AIE staff, incorporated a major change in format. The criteria were now divided into four sections. Agencies were to be:

A. Functional, as demonstrated by scope of operations, organization and procedures of the agency.

B. Accountable, as demonstrated by comprehensively serving the need for accreditation, being responsive to the public interest, assuring due process to applicants, capability and willingness to enforce ethical practices, regular independent validation of accreditation standards, securing qualitative data on applicants, and accreditation of only qualified applicants.

C. Authoritative, as demonstrated by experience of at least three years, acceptance throughout the United States, regular review of standards.

D. Independent, as demonstrated by evidence of no conflict of interest in the accreditation process.

However, in the first working draft, circulated in April of the following year, sections C and D had already evolved to "Reliable" and "Autonomous," respectively. In addition, several details had also changed. For example, agencies were now required to furnish externally audited accounts instead of simply having "sufficient financial support." According to the Director, AIES, the new format was "intended to highlight four central elements of concern on the part of the Office of Education regarding the recognition process..."[23]

Because of the heightened feeling by the accrediting agencies that the federal government was continuing to encroach on their domain,[24] the revision process was given more extensive publicity

than had been done with the 1969 criteria. All nationally recognized institutional and specialized agencies, the NCA and FRACHE, and representatives of accrediting agencies in proprietary education were separately consulted and given the opportunity to affect the revision process. OE, in addition, consulted educational institutions, student groups and state governments. Comments and suggestions from all these groups were incorporated into the second working draft, and the same process was repeated before preparation of the third.

An important aspect of the meetings held between representatives of accrediting agencies, knowledgeable persons, and the Office of Education staff was the clarification of the intent of the office in the wording of the new additions to the criteria. The agencies' responses can be grouped into three types:

1. Editorial--in which redundant wording was pointed out. For example, if the agency charged reasonable fees, it was not necessary to mention charges commensurable with the costs of accreditation.

2. Clarification of statements--in which ambiguity was reduced. For example, the Liaison Committee on Medical Education suggested that "agency recognized the right of the public to know...of policies and decisions" be changed to "the agency publishes or otherwise makes publicly available..." and listed four requirements for such publication.

3. Deletions--in which requirements believed to be impractical and unenforceable (as seen by agency) were to be dropped.

The responses from the "experts," state governments, and federal agencies were not substantially different. However, as would be expected, each focused on its special interest. For example, the reference to nondiscriminatory practices in the ethical standards criteria can be attributed to the Office for Civil Rights, Department of Health, Education, and Welfare.

As evidenced by their responses, the accrediting agencies had several specific concerns in relation to the drafted criteria for national recognition. First and foremost was the issue of the need of the public to know; they felt that a blanket requirement to inform the public would most likely be misconstrued to mean access to all information, including confidential visiting team and special committees' reports. As mentioned earlier, however, specific requirements for the publication of the agency's standards, procedures, lists of accredited institutions or programs and names of members of its governing bodies settled the problem. Later, a description of the legal organization of the agency was added as the fifth requirement under this subsection.

In the same working draft the criteria dealing with reliability and validity of the agency's educational standards, membership

of an applicant in an association as a prerequisite for accreditation, and the involvement of alumni in institutional self-study were identified by the agencies as problematic in that (a) the agencies felt they did not have the financial means to assess the reliability and validity of educational standards, (b) membership went hand in hand with institutional or program accreditation in several accrediting agencies, and (c) alumni involvement would entail unjustifiable financial cost as well as time by the institution or program concerned. In this group they also listed the acceptance of an agency by the "general public" as being too vague. Similar apprehensions were voiced regarding the enforcing of ethical standards in accredited institutions or programs.

In spite of these reservations, there was no major departure from the original draft. The "outside" input helped AIE staff to rearrange, amplify and clarify specific sections of the criteria. The process of revision also allowed for the incorporation of policies that had hitherto become part of the procedure for the recognition of accrediting agencies. Thus the revised criteria now provided a better tool for helping the accrediting agencies in their "quasi-public" role, as well as helping them shift some of the emphasis in accreditation from the process of education, such as administration of institutions or programs, publication of course catalogs, and teacher/student ratios, to its results--the success or failure of its products (students) after graduation.

Revision of the criteria seemed to indicate that accrediting agencies are ill suited to the task of enforcing social policy objectives that are unrelated to their primary mission. This is illustrated by the change from an early draft requiring the agency to "police" institutional ethical standards to the final version calling for agencies to "foster ethical practices" by their accredited institutions.

The fourth working draft was followed by the final version in January 1973. At the time, however, problems other than the reservations of the accrediting agencies delayed publication of the criteria. A study of accreditation and institutional eligibility by the Brookings Institute (later to be known as the Orlans Report) on contract from the Office of Education was in progress. It was anticipated that the study recommendations might be inconsistent with the changes made in the revision of the criteria. In turn, this might not only embarrass the Office but also mean almost immediate and further revision of the newly published criteria. In addition, the Newman Task Force[25] argued that the revised criteria adopted "a mode of supervision which (was) entirely procedural" and therefore did not adequately deal with current problems of fraud and default. The group further felt that the proposed criteria inadequately dealt with the issue of due process and were too fuzzy in other areas.

Against this challenge to further revision, and the Office's

hesitation pending the Orlans Report findings, were intraoffice contentions that the study in progress did not specifically deal with development of criteria for recognition of accrediting agencies. Congressional pressure to see the revised criteria published was also mounting. Furthermore, the urgency for publication was emphasized by the Executive Director of the Education Commission of the States in a letter to the Secretary of HEW.[26] He pointed out that the state agencies' criteria, which were essentially based on the proposed criteria and were therefore more progressive than the 1969 criteria then in force, were already published. This situation, he said, was causing a serious concern among the nationally recognized agencies, who were more numerous than the state agencies. Thus without laying the ghost of revision to rest, the revised criteria were published almost a year later on August 20, 1974.

Apart from the changed format, the 1974 Criteria and Procedures for Recognition of Nationally Recognized Accrediting Agencies and Associations were similar to the 1969 version in that the 1974 criteria built upon the previous set. However, the new version differed in that it included a new major area (Responsiveness) and incorporated additional changes in the six areas of the previous version.

The new features in the area of responsiveness were the requirements that accrediting agencies:

- select their visiting teams, consultants and members of the policy and decision-making bodies by nondiscriminatory procedures,
- include public representatives in the policy and decision-making bodies, or as consultants,
- publish names and affiliations of their policy or decision-making body members as well as the agency's principal administrative personnel.
- reflect the community of interests in the composition of the policy or decision-making bodies, and
- encourage quality experimental and innovative educational programs.

In step with the fact that decisions made by accrediting agencies were more frequently being legally challenged, additional due process requirements were included. Accrediting agencies were now expected to give a statement of reasons for denial of accreditation, with an opportunity for appeal, to the institutional chief executive officer. In addition, agencies were required to give institutions or programs notice and to withdraw accreditation only for cause, after review, or when they did not permit re-evaluation. It was further stipulated that an institution's or program's accreditation status could not be changed during the course of an appeal and that the accrediting agency would be expected to notify, in writing, the chief executive officer of the appeal decision.

In the area of scope and organization the accrediting agency was now expected to define its purposes and objectives in its

charter, by-laws, or accrediting standards, while the agency's accrediting procedures were required to contain "clear definitions of each level" of the programs it accredited.

In contrast to the previous version, which called for agencies to "encourage" self-study, under the 1974 criteria an agency's evaluative procedures are to require an institutional self-analysis which is qualitative, includes attention to accomplishment of objectives, and involves all appropriate constituencies. Other new requirements were that (1) the accrediting agency provide written guidance to both the applicant institution or program and the visiting team; (2) it secure qualitative information to show an on-going program of evaluation of outputs consistent with institution or program goals; (3) its personnel be competent; and (4) the visiting team include "at least one person who is not a member of the policy, decision-making body or administrative staff."

The criteria related to the formulation and implementation of standards were rewritten to require the accrediting agency to publish the procedures used for accrediting decisions and for the review of complaints against institutions or programs, and the date of the next scheduled institutional or program review. In addition, the accrediting agency was required to provide advance notice of any proposed or revised standards for comment by affected constituents. The team report to the institution was expected to include specific references to areas where the institution or program may fall short of required standards, and the institution's

chief executive officer was now specifically allowed to file "supplemental materials pertinent to the facts and conclusions in the...report."

In the area of integrity, concerns for independent and impartial judgment were placed under the broader term, autonomy, to which protection against conflict of interest was added.

The specific reference made in 1948 to educational quality was not as specific in the revised version of 1974. The three criteria (b5, b6, and c1) that make reference to educational quality deal only with the assessment of validity and reliability of the accrediting agency's standards, securing data on the evaluation of institutional or program outputs, and general acceptance of the agency throughout the United States. This suggests that the Office of Education felt it best to leave issues of quality of curriculum entirely in the hands of private accreditation.

Another development can be noticed in the expansion of the preamble. In 1952 this dealt with a description of the Commissioner's mandate and a brief mention of how the criteria were developed. In addition, interested accrediting agencies were invited to submit suggestions or criticisms to the Commissioner. In 1969 a definition of the process of accreditation was added and the invitation for further comments dropped. Recognition of an agency for a specified geographic scope and program field was also included.

Included in the preamble of the revised version of 1974 were five sections, in addition to the list of statutes which gave the Commissioner his mandate: (a) scope--which explained the need for institutional or program accreditation in relation to eligibility for federal funds, (b) definitions of terms in the criteria, (c) description of the Commissioner's list, (d) procedures for inclusion on the list, and (e) description of information required in applications for initial or renewed recognition, including the requirement for each applicant to demonstrate the need for its activities. This last section also stated that recognition of more than one agency in any one geographical or programmatic area would be unlikely.

1974 State Vocational Criteria

In response to the requirements of the Mondale Amendment, and concurrent with the revision of the national criteria, was the development of the state criteria for recognition of reliable authorities for evaluating vocational education. A special task force was created by the Commissioner of Education in mid-1972 to coordinate this project. A system similar to that used in the revision of the national criteria was followed, with more emphasis being given to the views of state government officials. Regional offices of HEW were also involved.

In early versions of the criteria, reservations were raised

regarding a requirement that called for submission of an annual institutional report to the state agency. Later this was dropped, as it was considered burdensome and of little value. In its place institutions or programs were expected to notify the agency of any changes so that the approval agency could then determine if the requirements for approval were still being met. Beyond this, the general criteria as proposed were found acceptable.

As mentioned earlier, these criteria were developed in tandem with the third version of the national criteria. However, the 1974 State Criteria were divided into three major sections:

a. Functional aspects--which included scope, organization and procedures of the agency;

b. Responsibility and reliability--which included the agency's responsiveness to the public interest and assurance of due process to applicants; and

c. The agency's capacity to foster ethical practices in the institutions it approved.

Apart from the changed phrasing in order to ensure reference to state rather than national or regional agencies, these criteria differed from the national in several respects. As a public, tax-funded service the state agency could not charge fees for approval of public vocational education. It was not required to include an "outside visitor" in its visiting teams, provide written guidance to the institution or program, nor to

assess the validity and reliability of its approval standards. It was neither expected to demonstrate its acceptance within the state, except in terms of its legal mandate, nor was it required to have approved institutions or programs for two years prior to its recognition by the Commissioner of Education.

Various requirements for due process applicable to the national and regional agencies were also omitted. For example, state agencies were not required to seek the chief executive officer's authority for the initial visit prior to institutional or program approval. Each state agency was expected, however, to delineate its process of differentiation among and approval of programs. Furthermore, each agency was required to direct approved institutions or programs to report on any internal changes so that the agency could ensure continued compliance with the approval criteria. Finally, regular interstate conferences were encouraged so that differences in standards and expectations could be minimized.

Activities since 1974

The period after 1974 can be characterized as one of closer reexamination of the accreditation system. Newman's assertion that agency requirements for accredited institutions were not the same as the federal requirements for eligibility for federal funds was but one of several criticisms of the system.[27] Finkin's contention

that the Commissioner of Education lacked the legislative mandate to include such factors as public representatives in an accrediting agency's governing bodies and educational innovation in the criteria[28] renewed charges of federal intrusion by the private accreditation sector.

The release of the Orlans' report, titled Private Accreditation and Public Eligibility, in August 1974 stimulated wide discussion on accreditation. The report dealt with three major areas: the role of accreditation in federal eligibility for funds, educational consumer protection, and accountability of the system. It charged that accrediting agencies were monopolies over federal benefits that needed to be broken. Consumer protection, it went on, should not be part of the accreditation process. However, events at the time seemed to point in the opposite direction. High rates of student attrition, loan defaults, and school closures highlighted the importance of this area. At the same time, public awareness of these shortcomings of the system was being heightened by the National press as shown by articles in the Boston Globe, Washington Post, Saturday Review and the New York Times. At issue were institutional fiscal accountability, delivery of services promised by institutions and programs, and indeed the whole gamut of accreditation processes. Inherent features of the process, such as mutual confidence and trust, and peer-group evaluation, were being questioned.

In a consumer protections study done by the American Institutes for Research (AIR) at this time, it was stated that "states have broad regulatory powers...[and]...can claim all government powers not denied them in the federal [or state] constitutions."[29] Thus consumer protection can be primarily a state function. However, these findings did not lessen public concern. National exposure of the problems in accreditation and eligibility seems to have hastened the enactment of the 1976 Education Amendments, which added requirements for disclosure of eligibility and extended the Commissioner's power to limit, suspend, or terminate institutional eligibility for due cause.

After the formation of NCA and FRACHE, private accreditation continued to change. By the early seventies, forces in private accreditation were regrouping. The NCA and FRACHE joined in forming the Council on Postsecondary Accreditation (COPA) in 1975. It was hoped that this consolidation of the private accreditation forces would stave off federal instrusion into the affairs of accrediting agencies and at the same time discourage their fragmentation. Changes were also taking place in the Office of Education. The Commissioner's Advisory Committee had evolved in composition and scope, and AIES was on its way to becoming the Division of Eligibility and Agency Evaluation (DEAE) in 1976. The latter change was necessitated by the increased work load and the larger staff it required. (According to the Director, DEAE reviewed nearly 200 applications between 1974 and 1978, and as of

December 1978 the Commissioner's list included 74 agencies and associations.)[30]

The national criteria had been published under a notice of proposed rule-making which indicated that their effectiveness was to be closely monitored during the first year of their implementation.[31] Thus further revision was expected any time after the first year, and even as the criteria were being published, suggestions for further revisions were being reviewed by the Office of Education. However, of all the suggestions received before the stipulated due date after publication, only one merited further consideration.[32] This pertained to the procedural policy adopted by some accrediting agencies in which an institution is given opportunity to comment on the composition of the visiting team, thus avoiding prejudgment by a member of the team who already holds an unfavorable view of the institution.

Other early suggestions for revision were primarily additions to and clarifications of the criteria. An April 1975 draft of these revisions, prepared by DEAE for further discussion, proposed additions in:

a. Scope and Organization (Functional Aspects), requiring

   - an agency's or association's accreditation program to apply comprehensively to the field in which it operates; and thus encouraging agencies to broaden their scope and therefore discourage fragmentation and proliferation;

- "competing" agencies to show that their accrediting activities do not unduly disrupt or burden the affected field or institutions or programs respectively. The incorporation of this policy statement from the preamble into the criteria was meant to strengthen its implications.

b. Responsiveness (Responsibility), requiring the agency to

- Demonstrate that its program of accreditation serves societal and educational needs which cannot be met by any other means or another appropriate agency. In this way the criterion would encourage institutional or program accreditation where it was obviously necessary, and thus avoid time-consuming routines which do little to help or improve the quality of education.

- Publish at least annually a list of changes in the accredited status of previously listed institutions or programs; and thus keep interested parties better informed. For the same reason it was also suggested that a 1969 criterion requiring an agency to make periodic reports of its operations, as in newsletters and proceedings of its meetings, be reinstituted.

c. Integrity (Autonomy)--a criterion requiring an agency's assurance that no personnel services--administrative, consultative, or decision-making--are compromised by activities performed for other organizations.

The same draft proposed re-wording of the criteria on

- definition of scope to include purpose, and therefore to consolidate criteria (a)(1)(ii) and (b)(1)(ii),

- responsiveness to public interest to refer specifically to complaints filed by students and others against programs or institutions accredited by the agency,

- securing institutional or program output evaluation data to include quantitative and qualitative information on faculty and student achievements to assess educational outcomes,

- institutional or program reference to accreditation (Accrediting Procedures) in order to make sure the reference was to institutions and programs rather than to applicants.

In a later revision, Criterion (b)(4) on ethical practices was amended to include institutional or program ethical practices regarding recruitment, advertising, transcripts, nondiscriminatory practices in administration, and information on placement services. Further editorial refinements were also suggested in both the preamble and criteria. Following this, a Notice of Intent to Issue Regulations was published for public comments in the Federal Register on November 29, 1976 regarding various aspects of the proposed criteria. (The Notice of Intent primarily solicited comments regarding the 1976 Education Amendments.) In order to receive comments and suggestions, five public conferences were held by USOE in December of that year.

Other meetings followed. The additional details included in (b)(4) were dropped and the criterion editorially changed. In the same working draft provision was made for alternate "modes of educational endeavors and new evaluative techniques" to substitute for the self-study and on-site review processes. (This is very similar to the 1975 COPA Criterion 11 that allows for "a validated equivalent" to take the place of both institutional or program self-analysis and site-visit.)

As in the previous three editions of the criteria (1952, 1969, and 1974), forces outside the Office of Education were influencing the development of the fourth edition. Among these was COPA, which asserted that the Commissioner's recognition of accrediting agencies that were not directly concerned with eligibility for federal funds was contravening Congressional intent. In addition, COPA felt that this created additional costs to the taxpayer for unnecessary reviews and added to the proliferation of accrediting agencies.

Concurrently, USOE was reviewing its recognition role in the light of developments subsequent to the passage of the Korean GI Bill in 1952. Since then the number of other federal agencies making use of the Commissioner's list had grown to over fifteen.[33*] By either administrative custom or regulation these agencies utilized the list for employment status, licensing, eligibility for funds, and other purposes.[34] In fact, an analysis of the twenty-three[35*] statutory provisions related to eligibility of accredited institutions validated the need for the Office of Education to have an "open door" policy and recognize all accrediting agencies that apply and meet the criteria for recognition.

However, more recent events indicate that the problems in accreditation are far from over. The tripartite operation

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*Recent data indicate 23 federal agencies use the list, and that there are 28 statutory provisions that are related to eligibility.

(accrediting agencies, state governments, and U.S. Department of Education) that forms the accreditation and eligibility process still needs shoring up. The AIR study found that less than half of the 50 states had chosen to enact legislation such as that suggested in the Model State Legislation proposed by the Education Commission of the States (ECS) in 1973.[36] In addition, those that had, had done so in varying degrees. Thus lack of involvement on the part of some states has created gaps in the accountability of the system. Consequently, its overall reliability is as strong as that of the weakest state. This has been aggravated by inadequate supervision of nontraditional programs that operate across state lines. Coordination between the various regulating authorities has been weak, and the states have been unable to curb consumer exploitation.

As indicated by the Director of DEAE, revision of the 1974 national criteria is still in progress. He specified four reasons for the revision:

a. to fulfill the commitment made by the Commissioner upon initial publication of the 1974 criteria that the implementation of those criteria would be closely monitored during their first year of operation and necessary revisions would be proposed;

b. to fulfill a provision in the 1972 Education Amendments that public hearings would be held on all regulations issued by the Commissioner after June 30, 1965;

c. to respond to the Secretary of HEW's...directive that all HEW regulations be written in "common sense" language;

d. to solicit comments concerning the introduction into the criteria of requirements relative to recognized accrediting agencies' performance as reliable authorities concerning institutional or programmatic "integrity" as that relates to institutional or programmatic "quality."[37]

Proposed Fourth Version of National Criteria

Since 1975, the draft of the proposed national criteria has changed. The five sections of regulations have been rewritten in more straightforward language. An additional stipulation in scope widens the application of the Commissioner's list to include the "various federal agencies" that use it to identify "educational quality and institutional integrity." The definitions section has been expanded to include two more terms instead of the seven defined in the third version of the criteria. New definitions of "representatives of the public" and "state" are given; the former now excludes educators and trustees of educational institutions affected by the accreditation program, while the latter includes the names of U.S. territories and possessions. "Adverse" decisions have been relabeled "negative," and six types of possible negative decisions by the Commissioner regarding an applicant accrediting agency are defined. The two entirely new terms added to the definitions are "preaccreditation status" and "specialized accreditation."

The criteria, too, have been rewritten and reordered. The

subsections have increased from 47 in the third version to 54. In the proposed fourth version of the criteria, an agency or association is expected to meet five major requirements:

a. Define its field of operations;

b. Demonstrate its functional capability and reliability;

c. Define its evaluative role and assure fairness and due process in its accrediting procedures and criteria;

d. Provide assurance of institutional or program integrity; and

e. Demonstrate that its activities conform to high ethical standards and that the agency is accountable to the public.

While sections (a), (b), (c), and (e) cover roughly the seven major areas of agency's scope and organization, accrediting and evaluative procedures, standards, responsiveness, due process, and integrity in the 1974 version, section (d) represents a major change. This expansion of the concern for institutional or program integrity has come about as a result of interest by all recognized accrediting agencies and associations in fair and honest conduct of institutions and programs, and on the recommendations of the American Council on Education's Task Force on Self-Regulation. This section also "builds on the requirements relative to institutional and program integrity that are already in the Criteria for Recognition."[38] An additional rationale for the inclusion of this criterion was that if, in fulfilling their public responsiblity, accrediting agencies and associations could be relied upon to

monitor integrity, then direct federal regulation of institutions or programs that participate in funding programs would be minimized.

Of the eight criteria in this section, four are new. They call for the agency or association to:

1. assess whether or not an institution or program has sufficient fiscal strength to maintain educational quality;

2. assess the institution's or program's management organization for the purpose of determining the effectiveness of management in maintaining educational quality;

3. require the institution or program to assure that off-campus operations or extensions are equivalent in quality to similar programs operated at its main campus or base of operations; and

4. review any contractual relations of the institutions or programs that deal with recruitment of students and delivery of educational services in terms of the impact of these relations or arrangements upon the quality and integrity of the institution's educational program.

Changes have appeared within the seven major areas. The alternative given in the criterion on self-analysis and on-site review (Evaluative Procedures) has been rephrased and is now expected to be a "validated equivalent." The burden of proof regarding the effectiveness of the alternative evaluation methods rests with the accrediting agency or association. In the same area of evaluative procedures, the requirement for participation of the institution's administrative staff, faculty, students, governing body, and other appropriate constituencies on the

self-analysis is no longer specifically mandated. Instead, the accrediting agency or association is required to encourage the institution or program to have the "participation of persons broadly drawn from the institution's or program's constituencies." This general wording allows the institution or program to avoid pressure from special interest groups, which might use participation in the self-analysis process as a means of gaining redress for their grievances, thus jeopardizing the accreditation status of the institution or program.

Under Standards the accrediting agency will be required to publish the date of the most recent comprehensive institutional or program evaluation, in addition to indicating any changes that might have occurred in the accreditation status of the institutions or programs noted in the last publication. This indicates the greater usefulness to the student of knowing when the institution or program was last evaluated rather than when it is going to be reevaluated. Furthermore, accrediting agencies are no longer expected to review their standards regularly, but will be required to review their criteria (changed from standards) at least every five years.

The proposed criteria extend the provision of due process to the withdrawal of the preaccreditation status and permit allowances to be made under special circumstances. The final addition in this area is the incorporation of the provision affording the

institution or program to be evaluated an opportunity to comment on the composition of the visiting team, thus reducing the possibility of a confict of interest that could hinder the team's objectivity or effectiveness. In order to ensure that the appropriate official comments on the team report, the criteria have been rewritten so that in institutional evaluations the chief executive officer comments, while in program evaluations the program director does so. A further refinement has been added to the criterion on the evaluation of the team report, which can now be done with either a team member present or some other provision made to secure clarification of the report if necessary. This recognizes the procedure adopted by several accrediting agencies as a means of reducing travel expenses by the visiting team member.

In an earlier draft an accrediting agency or association was expected to demonstrate its "capability and willingness to foster development by each institution and program of a well-defined statement of ethical practices and standards governing institutional or programmatic practices including equitable student tuition refunds, and nondiscriminatory practice in admissions and employment." In the proposed criteria, agencies or associations are simply expected to foster "ethical practice within accredited institutions and programs." This makes the criterion equally applicable to all types of accrediting agencies and avoids implying greater importance in an area of ethical practices by

mentioning specific examples. The new wording also helps reduce the frequency of misinterpretation of this criterion by accrediting agencies and associations to mean a federal mandate for the involvement of accreditation in affirmative action.

Revision of 1974 State Criteria

Revisions that would keep the state criteria on a par with the national criteria have not gone beyond the draft prepared in 1975. The proposed revisions in this document were essentially in the same areas as in the national criteria prepared in April of that year. These included:

a. restructuring of the criteria for clarification;

b. provision for an alternate method of evaluation in institutional or programmatic self-analysis and on-site review;

c. affording the institution or program an opportunity to comment on members of the visiting team;

d. representation in the decision-making body of a community of interests beyond the state approval staff;

e. requiring that any reference to state approval by institutions or programs clearly specifies the areas and levels for which approval has been received;

f. added assurance that individuals, as well as the agency staff, perform no functions which would interfere with the integrity of the approval process;

g. publication of the last and next scheduled review dates; and

h. an expansion of the list of ethical practices to which approval agencies should give attention.

Conclusion

The criteria used by the Commissioner of Education to recognize approval and accrediting agencies have evolved from the simple, six-part 1948 edition to the current document now under further refinement. As mentioned earlier, the draft of the new edition encompasses 54 criteria. Interestingly, the proposed criteria, like the 1948 version and unlike those of 1952, 1969, and 1974, spell out specific requirements which accrediting agencies must look for in institutional or program accreditation. Once again, for example, accrediting agencies will be specifically required to ascertain institutional or program financial sufficiency for the maintenance of a stable educational operation.

Over the years the number and types of accredited institutions and programs has greatly increased. This increase has been accompanied by efforts, by both the U.S. Office of Education and the coordinating body of the accrediting agencies (NCA and COPA), to keep the number of agencies small, ensuring the least disruption of the educational process while holding down the financial burden to institutions and programs and avoiding duplication of services in accreditation. Concern over proliferation of accrediting agencies has been strengthened by the institutions' desire to keep costs and disruption to a minimum.

Public opinion and political pressure have also left their mark on the changes in the accreditation process. Five major

concerns have dominated the last decade in accreditation. First, this period has been characterized by litigation; accountability of the process has been questioned. This prompted the redefining of accreditation objectives to reflect the public interest. The result has been structural changes as well as the development of extensive procedures for due process. Second, and concurrent with these changes, has been the need to protect the consumer as evidenced by the inclusion of the criterion on ethical practices regarding recruitment, admission, and tuition refund policies, among others. Additionally, consumer need for information about the nature and quality of institutions and programs has been accompanied by the expansion of services to the public as evidenced by the increase in the types of information accrediting agencies are required to publish.

Third, the responsiveness of the process to national and state needs and objectives has been a concern. At issue have been the relationship of private accrediting bodies to the NCA, FRACHE, COPA, state boards, and the Office of Education; the structure for national oversight of accrediting activities to the extent required by federal programs; and proliferation of specialized accrediting bodies and concomitant problems of coordination. Problems of state licensure and professional credentialing have further complicated the responsiveness issue.

Fourth, the flexibility of the process to accommodate new

forms of educational enterprises (for example, external degrees, open universities, and corporate ownership) has been an issue for discussion. Finally, a logical extension of this has been the reexamination of the validity and reliability of the accrediting standards and techniques used in order to avoid inadequately supported, overly subjective, or biased decisions.

According to the U.S. Office of Education, these factors have collectively influenced the development of detailed criteria for the recognition of accrediting agencies. At the same time, the Office's actions have been viewed by some private accrediting agencies and state governments as unwarranted federal assumption of the power to control the accreditation process and, through it, education. While the "triad," composed of private accrediting agencies and associations, state agencies, and the federal government has functioned with some success, the conflict over the appropriate governmental role in assuring educational quality remains.

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